

### **REMARKS**

The Office Action of December 13, 2005 has been reviewed and the Examiner's comments carefully considered. Independent claims 27 and 30 and dependent claims 28-29 and 31-43 have been added to the present application in accordance with the originally filed specification. No new matter has been added. Accordingly, claims 10-43 are present in this application and claims 10, 13, 27 and 30 are in independent form.

#### **Nonstatutory Obviousness-type Double Patenting Rejections**

The Examiner has rejected claims 10-26 of the present application on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent No. 6,887,930 to Uchida et al. (hereinafter "the Uchida patent"). Further, the Examiner has provisionally rejected claims 10-26 of the present application on the ground of nonstatutory obviousness-type double patenting over claims 1-21 of U.S. Patent Application No. 10/464,474 to Oka et al. (hereinafter "the Oka application"). Both of these grounds for rejecting claims 10-26 are improper because neither the Uchida patent nor the Oka application have commonality of inventorship or commonality of ownership to the present application. This is apparent from the filing particulars of the present application, as well as the recorded assignment in this case. The cited patent and application are assigned to Kuraray Co., Ltd. and the present application is assigned to Otsuka Chemical Co., Ltd, and the inventors are totally different. Thus, withdrawal of these rejections is respectfully requested.

#### **U.S. Patent No. 5,849,826 to Ogo et al.**

The Examiner has rejected claims 10-26 under 35 U.S.C. §102(b) for asserted anticipation by U.S. Patent No. 5,849,826 to Ogo et al. (hereinafter "the Ogo patent"). Further, the Examiner has rejected claims 10-26 under 35 U.S.C. §103(a) as being assertedly obvious over the Ogo patent.

As set forth in independent claim 10, the present invention is directed to a resin composition for reflector plates comprising 30 to 95% by weight of a semi-aromatic polyamide having the ratio of aromatic monomers to all the monomer components being at least 20% by mole and 5 to 70% by weight of potassium titanate fiber or wollastonite, or both. As set forth in independent claim 13, the present invention is further directed to a resin

composition for reflector plates used for an ultraviolet-ray generating source, comprising a thermoplastic resin and at least one inorganic compound selected from the group consisting of fibrous and flaky inorganic compounds capable of reflecting ultraviolet rays as well as visible light.

The Ogo patent is directed to semiaromatic polyamides and semiaromatic polyamide compositions containing fibrous reinforcements. The monomer components may include terephthalic or isophthalic acids (both aromatic dicarboxylic acids) combined with aliphatic diamines. Further, the Ogo patent discloses the use of wollastonite or potassium titanate fibers as the fibrous reinforcements in the compositions. However, the Ogo patent does not disclose the presently claimed mixing ratio of the monomers of the resin composition. The presently claimed mixing ratio of the monomers greatly affects the characteristics of the resin composition, giving the composition its light reflectance and absorbance properties. Thus, the Examiner's statement at page 4, lines 2-5 of the Office Action that "The compositions of Ogo must necessarily and inherently possess the light reflectance and absorbance properties of the instant claims because they are the same polymers and compositions of the instant claims" is inaccurate. In short, the Ogo patent neither teaches nor suggests the limitations clearly set forth in independent claims 10 and 13.

Further, and in stark contrast to the presently claimed invention, the resin composition disclosed in the Ogo patent is used for a mold used in the molding of electric parts. If the claim preamble, when read in the context of the entire claim, recites limitations of the patent claim, then the claim preamble should be construed as if in the balance of the claim. *Pitney Bowes, Inc. v. Hewlett Packard Co.*, 182 F.2d 1298, 1305 (Fed. Cir. 1999) citing *Kropa v. Robie*, 187 F.2d 150, 152 (C.C.P.A. 1951). There is no meaningful distinction to be drawn between the claim preamble and the rest of the patent claim, for only together do they comprise the claim. *Pitney Bowes, Inc. v. Hewlett Packard Co.*, 182 F.2d 1298, 1305 (Fed. Cir. 1999). The presently claimed invention is directed to "A resin composition for reflector plates..." The Ogo patent composition is used for a mold used in the molding of electric parts. The Ogo patent does not teach or suggest that its disclosed resin composition is intended to be, or even could be, used as a reflector plate. Thus, one of ordinary skill in the art would not consult the teachings of the Ogo patent in order to provide a resin composition for reflector plates of the presently claimed invention. In light of the

foregoing reasons, the Ogo patent does not anticipate or render obvious independent claims 10 and 13 of the present invention.

Claims 11, 12 and 14-26 depend from and add further limitations to independent claims 10 or 13, and are believed to be in condition for allowance for the reasons discussed above.

**Newly added claims 27-43**

Newly added claims 27-43 are directed to a reflector plate made from the resin composition of claims 10-26. As discussed above in regard to claims 10-26, the Ogo patent composition is used for a mold used in the molding of electric parts. The Ogo patent does not teach or suggest that its resin composition is intended to be, or even could be, used as a reflector plate. Thus, one of ordinary skill in the art would not consult the teachings of the Ogo patent in order to provide the presently claimed reflector plates. In light of the foregoing reasons, the Ogo patent does not anticipate or render obvious newly added independent claims 27 and 30 of the present invention.

Claims 28, 29 and 31-43 depend from and add further limitations to independent claims 27 or 30, and are believed to be in condition for allowance for the reasons discussed above.

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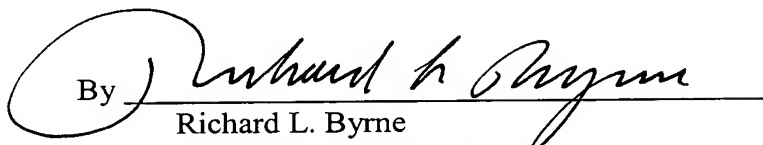
**SUMMARY**

Therefore, for the reasons set forth above, claims 10-43 are believed to be patentable over the prior art of record. Reconsideration of the rejections and allowance of all of pending claims 10-43 are respectfully requested.

Respectfully submitted,

THE WEBB LAW FIRM

By

A handwritten signature in cursive script, appearing to read "Richard L. Byrne", is written over a horizontal line. The signature is enclosed within a large, hand-drawn oval.

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